

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TESLA, INC., a Delaware corporation,
Plaintiff,

Case No. 16-cv-01158
Hon. Janet T. Neff

v.

RUTH JOHNSON, in her official capacity as
Secretary of State and Chief Motor Vehicle
Administrator; BILL SCHUETTE, in his
official capacity as Attorney General, and
RICK SNYDER, in his official capacity as
Governor,

Defendants.

**PLAINTIFF TESLA, INC.'S FIRST SET
OF REQUESTS FOR PRODUCTION OF
DOCUMENTS, ELECTRONICALLY
STORED INFORMATION AND
TANGIBLE THINGS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Tesla, Inc. (“Tesla”), request that Defendants produce for inspection and copying the documents, electronically stored information, and tangible things described in the following Request for Production.

Within 30 days of the date of service and based on information in the possession, custody or control of Defendants, their attorneys, and anyone acting on their behalf, Defendants should direct service of their responses to these Requests to Tesla, through its counsel.

These Requests shall continue to the time of trial to the extent provided by Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

1. “All” means any and/or all.
2. “And” means and/or.
3. “Concerning” means referring, relating, reflecting, or pertaining, directly or indirectly, in any way, to all or any part of a specified subject matter or document.
4. “Document” means a writing, as defined in the Federal Rules of Evidence, Rule 1001(1) and 1001(2), and includes the original or copy of handwriting, typewriting, printing, photocopying, filming, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds and symbols, or combinations of them, including electronic documents (including but not limited to email). “Document” also includes any drafts of any writings as described above and any copies of originals with notes or other comments that do not appear on the originals or on other copies.
5. “Communication” means any oral or written utterance, notation, or statement of any nature whatsoever, by and to whomsoever made, including but not limited to correspondence

(including electronic correspondence), dialogues, meetings, discussions, interviews, consultations, agreements, and all other understandings between or among two or more persons.

6. “Third parties” mean any persons who are not employees, agents, or other representatives of the State of Michigan, including but not limited to non-governmental entities interested in motor-vehicle manufacturing and sales.

7. “You” and “Your” mean Secretary of State Ruth Johnson, Attorney General Bill Schuette, and Governor Rick Snyder, in their official capacities, and the State of Michigan as a governmental entity, including but not limited to all of its branches, agencies, offices, officials, directors, employees, legislators, and other representatives.

8. “Tesla” means Tesla, Inc.

INSTRUCTIONS

1. Unless otherwise specified, Requests in this document are directed to each of Secretary of State Ruth Johnson, Attorney General Bill Schuette, and Governor Rick Snyder, in their official capacities, and thus directed to the State of Michigan as a governmental entity, including but not limited to all of its branches, agencies, offices, officials, directors, employees, legislators, and other representatives.

2. Unless otherwise specified, all Requests refer to the time period for the years 2014 to the present, inclusive.

3. If a document is no longer in Defendants’ possession or no longer subject to Defendants’ control, please state when that document was most recently in Defendants’ possession or subject to their control and what disposition was made of it.

4. To the extent that the response sought by any Request can be furnished with reference to the answer furnished to another Request, appropriate reference will be acceptable to

Tesla. However, a separate response should be accorded to each Request. Requests should not be joined together and accorded a common answer.

5. Each response should be preceded by identification and verbatim quote of the Request which is being answered immediately before the response.

6. If there are no documents responsive to a Request, then indicate that there are “No documents responsive to this Request.”

7. If you object to any Request on the grounds that it asks for documents or tangible things that are privileged, set forth fully in the objection the facts upon which you rely as the basis of the asserted privilege.

8. If you withhold any document under a claim of privilege, please furnish a list identifying each document for which you claim, together with the following information: date, author, sender, recipient, persons to whom copies were furnished (including their job title), subject matter of the document, the basis on which you claim a privilege, and the paragraph(s) of these Requests to which the document responds.

9. These Requests are continuing in character and require Defendants to provide any supplemental documents if, prior to trial, Defendants obtain any additional or supplemental documents responsive to these Requests.

**REQUESTS FOR PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, AND TANGIBLE THINGS**

1. All documents on which You relied in responding to any of the Tesla’s First Set of Interrogatories, including copies of any tests, studies, analyses, or investigations upon which You based Your answer, in whole or in part.

2. All documents identified by You in responding to Tesla’s First Set of Interrogatories.

3. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile Dealers Association), concerning Tesla.

4. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile Dealers Association), concerning this litigation.

5. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile Dealers Association), concerning House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014.

6. All versions or drafts of House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014.

7. All documents constituting, reflecting, or referring to communications between Michigan State Senator Joe Hune and any other person or entity (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile

Dealers Association) concerning House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014.

8. All documents constituting, reflecting, or referring to communications between Michigan Governor Rick Snyder and any other person or entity (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile Dealers Association) concerning House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014.

9. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile Dealers Association), concerning any actual, potential, anticipated, possible, or desired effects on Tesla of House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014.

10. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party (including but not limited to Michigan motor-vehicle dealers, Michigan motor-vehicle manufacturers, the Michigan Automobile Dealers Association, and individuals associated with the Michigan Automobile Dealers Association), concerning the reasons the Michigan legislature, or any member thereof, voted in favor of House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014.

11. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning the sale in Michigan of new or used motor vehicles by a motor-vehicle manufacturer.

12. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning the service in Michigan of motor vehicles by a motor-vehicle manufacturer.

13. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning efforts to change any laws concerning the sale in Michigan of new or used motor vehicles by a motor-vehicle manufacturer.

14. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning efforts to change any laws concerning the service in Michigan of motor vehicles by a motor-vehicle manufacturer.

15. All complaints received by You concerning the sale in Michigan of new or used motor vehicles by a motor-vehicle manufacturer, or concerning the service in Michigan of motor vehicles by a motor-vehicle manufacturer.

16. All campaign-finance reports filed by members of the Michigan Legislature since 2010 that disclose a contribution from an individual with a financial interest in a motor-vehicle dealer in Michigan, from an individual with a financial interest in a motor-vehicle manufacturer in Michigan, from the Michigan Automobile Dealers Association, from an individual associated with the Michigan Automobile Dealers Association.

17. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning the actual or potential costs or benefits of a direct-to-consumer sales model for motor vehicles.

18. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning the costs or benefits to consumers of a dealer model.

19. All documents, including but not limited to documents constituting, reflecting, or referring to internal communications and communications between You and any third party, concerning Governor Rick Snyder's October 21, 2014 statement that manufacturer direct vehicle sales were "already prohibited under Michigan law" prior to House Bill 5606 (Substitute S-1 as reported by the Committee of the Whole) that was introduced on or around October 1, 2014, including all statements and analyses supporting, relating to, refuting, or undermining that statement.

Dated: February 16, 2017

/s/John J. Bursch

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